



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
White River Field Office
220 East Market Street
Meeker, CO 81641



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March 14, 2018

Halandras Family Living Trust
C/O Mr. John Halandras
P.O. Box 225
Meeker, Colorado 81641

NOTICE OF PROPOSED DECISION

Dear Mr. Halandras:

The Bureau of Land Management (BLM) White River Field Office (WRFO) has reviewed your application for the proposed water developments (Projects 1 – 3) in the Davis Creek Allotment.

BACKGROUND

To comply with the National Environmental Policy Act, the WRFO conducted an environmental assessment (DOI-BLM-CO-N05-2017-0097-EA) to determine whether or not significant impacts would result from implementation of the proposed water developments in the Davis Creek Allotment.

FINDING OF NO SIGNIFICANT IMPACT

The Proposed Action was analyzed in DOI-BLM-CO-N05-2017-0097-EA and it was found to have no significant impacts, thus an EIS is not required.

PROPOSED DECISION

In conformance with 43 CFR 4160.1, my proposed decision is to implement the Proposed Action, as described in DOI-BLM-CO-N05-2017-0097-EA, authorizing the installation and future maintenance of associated water pipelines and water tanks associated with Projects 1, 2, and 3. For Project 2, it is my decision to approve both proposed water pipeline routes to transport water to the south (i.e., you may construct Option 1, Option 2, or both Options 1 and 2.)

Applicant Committed Design Features:

1. All stock tanks are all tire made with an 11 feet diameter and would require 8 inches of excavation (at most). All of the stock tanks would be float system regulated. A stock tanks will be the round tire type and will include bird/animal ramps. All stock tanks would be located in relatively flat terrain between 50-100 feet from the two-track, except at Point 3D (Project 3) where the stock tank would be approximately 200 feet from the two-track.

2. All pipe to be used for water pipelines is proposed as 2" HDPE (high-density polyethylene pipe). All water pipelines would be ripped no shallower than 18 inches in depth and would be ripped in the two-track route except where they divert to provide water to the stock tanks or stock ponds/catchments which would require approximately 50 to 100 feet of water pipeline outside of the two-track road bed.
3. All rises and dips along the water pipelines that cannot be graded out during installation would have an airvac or drain installed as needed. Airvac's would be installed on the side of the road in the safest location possible to prevent damage to the airvac. Drains would be day lighted as necessary (surface elevation outlet). Day lighted drains will be covered to avoid animal intrusion (i.e. slotted cap).
4. Existing catchments located along the two-track route may be filled by the water pipeline. The water pipeline system design would be equipped with valves that would allow the permittee the discretion to choose to fill these catchments or not.
5. All of spur water pipeline routes to stock tanks would be equipped with valves to allow the permittee the ability to choose which stock tanks to fill or which to leave empty. Within a particular project, the permittee may choose to fill all of the tanks, only one of the tanks, or none of the tanks at any given time. The design of the system does not require filling those stock tanks closer to the water source (well) in order to be able to fill the most distant tanks.
6. Project work including pipeline and stock tank installation will take place outside of the migratory bird nesting period of May 15 – July 15. Work will be permitted from July 16 – May 14.

Mitigation Measures:

7. In order to improve livestock distribution on the public lands, no salt blocks and/or mineral supplements will be placed within ¼ mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision (43 CFR 4130.3-2(c)).
8. All new water sources on public lands require prior BLM approval and NEPA analysis due to the potential to change livestock distribution and to create concentration areas.
9. The permittee/lessee is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
10. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the authorized officer (AO). The permittee/lessee will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The permittee/lessee, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
11. Pursuant to 43 CFR 10.4(g), the permittee/lessee must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator/holder/applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

12. The permittee/lessee is responsible for informing all persons who are associated with allotment operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the permittee/lessee must immediately contact the appropriate BLM representative.
13. Prior to maintaining range improvement projects the permittee must notify the BLM of their intent so the BLM can verify or complete adequate cultural surveys.
14. If paleontological materials (fossils) are discovered during construction activities, the operator is to immediately stop activities that might further disturb such materials, and contact the AO. The operator and the AO will consult and determine the best option for avoiding or mitigating paleontological site damage.

FINAL DECISION

In the absence of a protest, this proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3(a). Should a timely protest be filed I will consider the points of the protest and other pertinent information and issue my final decision to all persons named in this decision in accordance with 43 CFR 4160.3(b).

RATIONALE

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. The projects themselves are expected to have minimal if any negative impacts. Benefits would be improved livestock distribution and management, and resource conditions in the affected pastures of the Davis Creek Allotment.

MONITORING AND COMPLIANCE

On-going compliance inspections and monitoring will be conducted by White River Field Office staff during construction and installation if necessary. Specific mitigation will be followed. The applicant will be notified immediately of compliance related issues verbally and in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues. Future range improvement project inspections will occur to ensure that these projects are maintained in a functional condition to serve their intended purpose.

AUTHORITY

This proposed decision is being issued to you as an affected party under authority of 43 CFR 4160.1, and as a qualified applicant under 43 CFR 4110.1.

RIGHT OF PROTEST AND/OR APPEAL

Any applicant, permittee, lessee, or other interested public may protest this proposed decision within 15 days following its receipt in accordance with 43 CFR 4160.2. The protest may be submitted in person or in writing to the White River Field Office Manager, Bureau of Land Management, White River Field Office, 220 East Market Street, Meeker, Colorado 81641.

In the event that this proposed decision becomes the final decision without further notice, any applicant, permittee, lessee, or other person whose interest is adversely affected by the final BLM grazing decision may file an appeal for the purpose of a hearing before an administrative law judge in accordance with 43 CFR 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. The appeal should state the reasons, clearly and concisely, why the appellant thinks the final BLM grazing decision is in error. A petition for a stay of the decision pending final determination of the appeal by the administrative law judge

may also be submitted during this same 30 day time period. The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the White River Field Office as noted above. The person/party must also serve a copy of the appeal on any person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, 755 Parfet St., Suite 151, Lakewood, CO 80215. The BLM does not accept appeals by facsimile or email at this time.

Should you wish to file a petition for a stay in accordance with 43 CFR Section 4.471(c), the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must serve copies to any other person named in this decision and on the Office of the Regional Solicitor located at 755 Parfet St., Suite 151, Lakewood, CO 80215, in accordance with 43 CFR 4.470(a) and 4.471(b).

If you have any questions, contact either Melissa Kindall, Range Technician at 878-3842, or myself at 878-3800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kent E. Walter".

Kent E. Walter
Field Manager